



The Honorable Burrell Ellis  
Chief Executive Officer

**DeKalb County  
Department of Planning & Sustainability  
Zoning Board of Appeals**



**Manuel J. Maloof Administration Center Auditorium  
1300 Commerce Drive Decatur, GA 30030**

**BOA Meeting Date: Wednesday, May 9, 2012 at 1:00 P.M.**

**AGENDA**

**CALL MEETING TO ORDER**

**NOTE:** Applicant or appointed representative should be present. If unable to attend, please contact the Planning Department at (404) 371-2155

**CALL MEETING TO ORDER**

**DETERMINATION OF A QUORUM  
PREAMBLE AS TO PURPOSE AND PROCEDURES OF THE BOARD OF APPEALS  
INTRODUCTION OF MEMBERS, STAFF AND COUNTY REPRESENTATIVES**

**MEMBERS:**

**BONNIE JACKSON (CHAIRPERSON)**

**LIZ BEYER**

**DARRYL K. JENNINGS, SR**

**NADINE RIVERS-JOHNSON**

**JEREMY CLARK**

**REBECCA CHASE WILLIAMS**

**TYRONE MAGBY**

(A-Absent; EXA-Excused Absence; U-Unexcused Absence; P-Present; R-Resigned; TE-Term Expired)

**QUORUM DETERMINATION:      yes      no**  
**COUNTY REPRESENTATIVE:      yes      no**

**DEFERRED FROM APRIL 11, 2012 AND MAY 9, 2012 AND MARCH 14, 2012 PUBLIC HEARING**

**D-1 Application No: A-12-17630 Parcel ID: 18-199-03-020**

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**Commission District: 2 Super District: 6**

**Applicant:** Mark Baker  
1960 Tall Tree Drive  
Atlanta, GEORGIA 30324

**Owner:** Mark Baker

**Project Name:** 1960 Tall Tree Drive

**Zoning:** R-85 (S-Fam Res. Min Lot 12000 Sq.Ft);

**Location** The property is located north west corner of Tall Tree Drive and Roxboro Drive (at 1960 Tall Trees Drive)

**Request:** **Variance requests from the DeKalb County Zoning Ordinance, to:**  
**(1) Allow construction of an accessory structure (swimming pool) in the front yard on a corner lot (Section 27-731.c);**  
**(2) Reduce the rear yard setback from thirty-six (36) feet (pursuant to AV-05005) to thirty-five point eight (35.8) feet to bring the house into compliance with the zoning ordinance (Section 27-166.e); and**  
**(3) Allow a fence higher than four (4) feet in the front yard (Section 27-878.a); to enclose the swimming pool, relating to the R-85 zoning district.**

**BOA Action:** **Deferral, for 30 days to the June 13, 2012 zoning board of appeals meeting.**

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**DEFERRED FROM APRIL 11, 2012 PUBLIC HEARING**

**D-2 Application No: A-12-17709 Parcel ID: 18-276-08-001**

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**Commission District: 1 Super District: 6**

**Applicant:** Thomas And Beverly Rogers  
3096 Lanier Drive  
Atlanta, GEORGIA 30319

**Owner:** Thomas Rogers; Beverly Rogers

**Project Name:** 3096 Lanier Drive

**Zoning:** R-100 (S-Fam Res. Min Lot 15000 Sq.Ft);

**Location** The property is located on the west side of Lanier Drive, about 335 feet south of Windsor Parkway (at 3096 Lanier Drive)

**Request:** **Variance request from Section 27-149 of the DeKalb County Zoning Ordinance, to increase lot coverage from thirty-five (35%) percent to thirty-eight point two-nine (38.29%) percent to construct a swimming pool, relating to the R-100 zoning district.**

**BOA Action:** **Approval, of a variance to increase lot coverage from thirty-five (35%) percent to thirty-eight point two-nine (38.29%) percent to construct a swimming pool, based on the revised site plan submitted on May 2, 2012.**

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## **DEFERRED FROM APRIL 11, 2012 AND MAY 9, 2012 PUBLIC HEARING**

**D-3    Application No: A-12-17714    Parcel ID: 18-239-06-005**

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### **Commission District: 1 Super District: 6**

**Applicant:** Boos Development Group, Inc.  
2651 McCormick Drive  
Clearwater, FLORIDA 33759

**Owner:** Sds Real Property Holdings Ltd

**Project Name:** 3920 Peachtree Road

**Zoning:** C-1 (Local Commercial District);

**Location** The property is located on the north side of Peachtree Road, about 526 feet east of Brookhaven Drive.

**Request:** **Variance requests from the DeKalb County Zoning Ordinance, to:**  
**(1) Increase the parking from the maximum eighteen (18) spaces to thirty-nine (39) parking spaces (Section 27-7228.15.10.2);**  
**(2) Increase the front yard setback distance from twenty (20) feet to fifty-four (54) feet (Section 27-728.15.12.d.7); and**  
**(3) Increase the maximum space between buildings (Section 27-728.15.12.d.10), to construct a new building, relating to the Brookhaven Zoning Overlay District.**

**BOA Action:** Deferral, to the June 13, 2012 Zoning Board of Appeals meeting.

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## **NEW HEARING ITEMS**

**N-1    Application No: A-12-17754    Parcel ID: 15-174-08-023**

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### **Commission District: 3 Super District: 6**

**Applicant:** Brian Trow  
6106 Barfield Road  
Atlanta, GEORGIA 30328

**Owner:** Second Avenue Development Inc; Southern Abodes Llc

**Project Name:** 1860 Braeburn Circle

**Zoning:** R-75 (S-Fam Res. Min Lot 10000 Sq.Ft);

**Location** The property is located on the north side of Braeburn Circle, about 380 feet west of the terminus of Braeburn Circle (1860 Braeburn Circle).

**Request:** **Variance request from the DeKalb County Zoning Ordinance, to**  
**(1) Waive lot merger ordinance (Section 27-938.b); and**  
**(2) Reduce lot width from minimum of seventy-five (75) feet to fifty (50) feet (Section 27-186.a), to divide one lot and develop two separate houses, relating to the R-75 zoning district.**

**BOA Action:** Deferral, for 60 days to the July 11, 2012 Zoning Board of Appeals meeting.

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## **NEW HEARING ITEMS**

**N-2    Application No: A-12-17789    Parcel ID: 15-202-09-001**

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### **Commission District: 3 Super District: 7**

**Applicant:** Monica Beshera And Mary Alice Stovall  
2655 Appian Way  
Decatur, GEORGIA 30030

**Owner:** Mary Stovall

**Project Name:** 2655 Appian Way

**Zoning:** R-75 (S-Fam Res. Min Lot 10000 Sq.Ft);

**Location** The property is located at the southwest corner of Appian Way and Catherine Street (at 2655 Appian Way)

**Request:** **Variance request from Sections 27-731(c) and (f) of the DeKalb County Zoning Ordinance to allow a detached shed to be located four (4) feet from the rear and side yard setbacks on a corner lot, relating to the R-75 zoning district.**

**BOA Action:** **Approval, of a variance to allow a detached shed to be located four (4) feet from the rear and side yard setbacks on a corner lot, based on the submitted site plan received on April 2, 2012.**

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## **NEW HEARING ITEMS**

**N-3    Application No: A-12-17790    Parcel ID: 15-118-02-231**

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### **Commission District: 3 Super District: 6**

**Applicant:** Anjanette Elligan  
2597 Brandenberry Drive  
Decatur, GEORGIA 30034

**Owner:** Anjanette Elligan

**Project Name:** 2597 Brandenberry Drive

**Zoning:** R-75 (S-Fam Res. Min Lot 10000 Sq.Ft);

**Location** The property is located at the terminus of Brandenberry Drive at (2597 Brandenberry Drive)

**Request:** **Variance request from Section 27-186(e) of the DeKalb County Zoning Ordinance to reduce the rear yard setback from forty (40) feet to nine point four (9.4) feet, to build an addition, relating to the R-75 zoning district.**

**BOA Action:** **Approval, of a variance to reduce the rear yard setback from forty (40) feet to nine point four (9.4) feet, to build an addition, based on the submitted site plan received on April 2, 2012.**

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## **NEW HEARING ITEMS**

**N-4 Application No: A-12-17792 Parcel ID: 15-121-07-029**

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### **Commission District: 3 Super District: 7**

**Applicant:** Rainbow Village  
P.O. Box 3579  
Ponte Vedra Beach, FLORIDA 32004

**Owner:** Rainbow Village Ltd

**Project Name:** 2598 Candler Road

**Zoning:** C-1 (Local Commercial District);

**Location** The property is located at the northeast corner of Candler Road and Rainbow Way (at 2598 Rainbow Way).

**Request:** **Variance requests from the DeKalb County Zoning Ordinance, to: (1) Reduce the required landscape strips from five (5) feet to one (1) foot from the north property line and from ten (10) feet to five (5) feet from the south and east property lines (Section 27-729.13.a); (2) Reduce the sidewalk width from ten feet to five feet and waive the requirement that the sidewalk be five (5) feet from the curb along the southern boundary and waive the requirement for a sidewalk along the east property line (Section 27-729.14a); (3) Reduce the front elevation fenestration from seventy-five (75%) percent to fifty (50%) percent (Section 27-729.12c); and (4) Increase lot coverage from eighty (80%) percent to eighty-six (86%) percent (Section 27-586), to redevelop the site for a Family Dollar store, relating to the C-1 and the Candler Road/I-20 Overlay District requirements.**

**BOA Action:** Denial.

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## **NEW HEARING ITEMS**

**N-5 Application No: A-12-17800 Parcel ID: 18-246-02-031**

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### **Commission District: 2 Super District: 6**

**Applicant:** William And Margarite Kendall  
2599 Cosmos Drive  
Atlanta, GEORGIA 30345-1303

**Owner:** Margarite Kendall

**Project Name:** 2599 Cosmos Drive

**Zoning:** R-100 (S-Fam Res. Min Lot 15000 Sq.Ft);

**Location** The property is located on the west side of Cosmos Drive, about 571 feet northwest of Flair Knoll Drive.

**Request:** **Variance requests from Sections 14-438(a) and 14-439(b.2) of the Floodplain Management Ordinance to reduce the finished floor area for an addition from three (3) to one (1) foot above existing and future base flood elevation, relating to the R-100 zoning ordinance.**

**BOA Action:** **Approval, of variance requests from Sections 14-438(a) and 14-439(b.2) of the Floodplain Management Ordinance to reduce the finished floor area for an**

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addition from three (3) to one (1) foot above existing and future base flood elevation, based on the following conditions: Require a thirty (30) year period for "substantial improvement/damage" cumulative projects calculations, and require any flood damage to count one hundred percent (100%) toward cumulative projects, to be reviewed and approved by the DeKalb County Floodplain Supervisor.

**NEW HEARING ITEMS**

**N-6    Application No: A-12-17802    Parcel ID: 18-239-01-001, 18-239-04-018**

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**Commission District: 1 Super District: 6**

**Applicant:**                Weingarter Realty Investors  
                                 2600 Citadel Plaza 300  
                                 Houston, TX 77008

**Owner:**                    Weingarter Realty Investors; Wri Hr Venture Properties I

**Project Name:**        3871 Peachtree Road Kroger

**Zoning:**                 C-1 (Local Commercial District); R-100 (S-Fam Res. Min Lot 15000 Sq.Ft);

**Location**                The property is located on the south side of Peachtree Road, about 455 feet east of East Club Drive (located at 3871 Peachtree Road)

**Request:**                **Variances from Section 27-728.15 of the DeKalb County Zoning Ordinance to expand the Kroger Grocery located at 3871 Peachtree Road, relating to the Brookhaven Zoning Overlay District.**

**BOA Action:**            **Deferral, for 30 days to the June 13, 2012 Zoning Board of Appeals meeting.**

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## **NEW HEARING ITEMS**

**N-7    Application No: A-12-17803    Parcel ID: 18-201-10-005**

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### **Commission District: 2 Super District: 6**

**Applicant:** Clarence Ronald Patton  
1712 Dresden Drive  
Atlanta, GEORGIA 30319

**Owner:** C Patton

**Project Name:** 1400 Noel Drive

**Zoning:** R-75 (S-Fam Res. Min Lot 10000 Sq.Ft);

**Location** The property is located on the north side of Noel Drive, about 372.5 feet east of Coossawatee Drive (at 1400 Noel Drive)

**Request:** **Variance request from Section 27-189 of the DeKalb County Zoning Ordinance to increase lot coverage from thirty-five (35%) percent to forty-six point nine (46.9%) percent to bring a property into compliance with the zoning ordinance, relating to the R-75 zoning district.**

**BOA Action:** **Approval, of a variance to increase lot coverage from thirty-five (35%) percent to forty-six point nine (46.9%) percent to bring a property into compliance with the zoning ordinance, based on the submitted site plan received on April 5, 2012.**

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